

PUBLIC HEARING  
STATE OF CALIFORNIA  
SECRETARY OF STATE

IN THE MATTER OF:                     )  
  )  
      HELP AMERICA VOTE ACT        )  
(HAVA) STATEWIDE DATABASE        )  
REGULATIONS                         )  
  )  
\_\_\_\_\_)

SECRETARY OF STATE BUILDING  
1500 11TH STREET  
AUDITORIUM  
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 2, 2007  
10:03 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

STAFF

Ms. Judith Carlson, Elections Counsel

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

## 1 PROCEEDINGS

2 ELECTIONS COUNSEL CARLSON: Good morning.

3 Good morning. My name is Judith Carlson. I will  
4 be conducting this hearing for the Secretary of State. It  
5 is approximately 10 o'clock a.m. on Monday, April 2nd,  
6 2007. We are present here at the Office of the Secretary  
7 of State in the auditorium at 1500 11th Street,  
8 Sacramento, California to receive public comments on a  
9 proposed rule-making action by the Secretary of State.

10 The Secretary of State proposes to add Chapter 2  
11 consisting of the following sections: 20108, 20108.1,  
12 20108.12, 20108.15, 20108.18, 20108.20, 20108.25,  
13 20108.30, 20108.35, 20108.36, 20108.38, 20108.40,  
14 20108.45, 20108.50, 20108.51, 20108.55, 20108.60,  
15 20108.65, 20108.70, 20108.71, 20108.75 and 20108.80 to  
16 Division 7 of Title 2 of the California Code of  
17 Regulations.

18 The Secretary of State's proposed regulations  
19 that we are concerned with here today are just those  
20 sections I have identified. We will not be taking  
21 comments on any other matters. The proposed regulations  
22 would establish standards and procedures for processing,  
23 transmitting and maintaining voter registration records in  
24 compliance with the requirements of Section 15483  
25 Subdivision A of the Help America Vote Act of 2002, which

1 we will refer to as HAVA.

2 Under the rule-making provisions of the  
3 California Administrative Procedure Act, referred to  
4 herein as the APA, this is the time and place set for the  
5 presentation of statements, arguments and contentions  
6 orally or in writing for or against the proposed  
7 regulations, notice of which has been previously published  
8 and sent to interested parties.

9 This is a quasi-legislative hearing in which the  
10 Secretary of State carries out a rule-making function  
11 delegated to it by the Legislature. Witnesses presenting  
12 testimony at this hearing will not be sworn nor will we  
13 engage in cross-examination of witnesses. We will take  
14 under submission all written and oral statements submitted  
15 or made during this hearing and will respond to these  
16 comments in writing in the final statement of reasons.

17 This entire APA rule-making hearing will be  
18 recorded by a Certified Shorthand Reporter. The  
19 transcript of this hearing and all exhibits and evidence  
20 presented during the hearing will be made part of the  
21 rule-making record. The record for this hearing is being  
22 kept open until the close of business today, April 2nd,  
23 2007 at 5 o'clock p.m. to allow for the receipt of  
24 additional relevant evidence in writing from interested  
25 parties. Written comments may also be submitted to me

1 during these proceedings.

2           As participants enter this room, they are asked  
3 to sign an attendance sheet and complete a comment card to  
4 indicate that they wish to make oral comments on the  
5 proposed regulations. Participants must sign the  
6 attendance sheet and complete a comment card if they wish  
7 to speak here today. If a participant provides his or her  
8 complete address on the attendance sheet, we will notify  
9 the participant of any changes to the proposed rule-making  
10 or about any new material relied upon in completing these  
11 regulations.

12           Such notice will be sent to anyone who submits  
13 written comments during the written comment period  
14 including those who submit written comments here today and  
15 also to those who testify here today and anyone else who  
16 requests such notification.

17           While no one may be excluded from participation  
18 in these proceedings for failure to identify themselves,  
19 those who prefer not to identify themselves will not  
20 receive future notice concerning this matter, as notice  
21 will only be provided to those whose names and addresses  
22 are included on the attendance sheet.

23           We will listen to oral comments of individuals in  
24 the order in which their names appear on the attendance  
25 sheet. First, we will hear from everyone who is signed in

1 and then we will hear from anyone who has arrived late or  
2 anyone else who wishes to be heard.

3           When you come up to speak, we ask that you do  
4 certain things to enable the audience to hear you and to  
5 ensure that your comments are included in the record.  
6 Please state your name and spell it and identify the  
7 organization you are representing, if any; tell us the  
8 section number or numbers that you wish to discuss or  
9 address in your comments.

10           At this point, the rule-making record includes 3  
11 exhibits. Exhibit A is the notice of proposed  
12 rule-making, which was published in the California  
13 Regulatory Notice Register on February 16th, 2007.

14           Exhibit B is the proposed text of the  
15 regulations.

16           And Exhibit C is the initial statement of reasons  
17 for the proposed regulations.

18           These proposed regulations were duly noticed 45  
19 days prior to today's hearing. Copies of the notice  
20 together with the proposed text and the initial statement  
21 of reasons were sent to all interested parties who had  
22 requested such notice. Additional copies are available  
23 here today as well should anyone need them.

24           We will now take oral arguments on the proposed  
25 regulations. In the interests of time, if you agree with

1 comments made by a prior speaker, you may simply state  
2 that fact and any new information you feel is pertinent to  
3 the issue.

4 And with that, we can begin receiving comments.  
5 We'll begin with David Childers.

6 MR. CHILDERS: I'm just here to listen.

7 ELECTIONS COUNSEL CARLSON: Okay. Thank you,  
8 David.

9 Deborah Smith from Calaveras County.

10 MS. SMITH: I'm just here to observe this.

11 ELECTIONS COUNSEL CARLSON: Okay. You may be  
12 listening to nothing.

13 Roberta Kanelos Sac County.

14 MS. KANELOS: The same.

15 ELECTIONS COUNSEL CARLSON: And a Nick -- I can't  
16 read your last name.

17 MR. GRATH: Grath.

18 ELECTIONS COUNSEL CARLSON: Grath. Hi. Sac  
19 County. Still here just to listen?

20 MR. GRATH: Yes.

21 ELECTIONS COUNSEL CARLSON: Okay. Great.

22 Since we have no one here to indicate that they  
23 wish to speak at this time, we will go off the record  
24 until we have individuals who wish to comment.

25 (Thereupon a recess was taken at



1 10:11 a.m.)

2 ELECTIONS COUNSEL CARLSON: Back on the record.

3 Okay. It's just about 2 o'clock p.m. on April 2nd, 2007.

4 Let the record show that we have had no comments either

5 orally or written today during this hearing. Given that

6 there are no further requests to present testimony at this

7 time, I hereby close this hearing.

8 The Secretary of State will receive written

9 comments until 5 o'clock p.m. today in this office at 1500

10 11th Street, Sacramento, California at the Elections

11 Counter on the 5th floor.

12 Thank you to all those who have attended this

13 hearing. We appreciate your assistance in developing

14 these regulations.

15 Thank you very much, and we're done.

16 (Thereupon the Secretary of State public

17 hearing adjourned at 2:02 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Secretary of State hearing was  
7 reported in shorthand by me, James F. Peters, a Certified  
8 Shorthand Reporter of the State of California, and  
9 thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 3rd day of April, 2007.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 10063

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